

Supreme Court of the State of New York
Bronx County: PART 15

The People of the State of New York,

— against —

John A. Smith,
Defendant-Petitioner.

Ind. No. 9999-2021

Notice of Motion to Vacate
the Judgment of
Conviction

PLEASE TAKE NOTICE that upon the attached affirmation of Jane Lawyer, Esq., and its attached exhibits, and the accompanying Memorandum of Law, the undersigned will move this Court, on April 17, 2023, or as soon thereafter as counsel may be heard, for an order pursuant to CPL 440.10 (1) (h):

- (1) Vacating the judgment of conviction in this case on the grounds that it was obtained in violation of Mr. Smith's rights, under the Sixth and Fourteenth Amendments to the United States Constitution and Article I, § 6 of the New York Constitution, to the effective assistance of counsel;
- (2) Granting, if necessary, a hearing to develop any unresolved factual disputes pertaining to this motion pursuant to CPL 440.30 (5); and
- (3) Granting any other relief that the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that pursuant to Civil Practice Law and Rules § 2214 (b), answering papers, if any, shall be served at least seven days before the return date.

Dated: March 13, 2023
Bronx, New York

Respectfully submitted,

Jane Books

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To: Motions Clerk, Criminal Term
Supreme Court of the State of New York
Bronx County
265 E. 161 Street
Bronx, NY 10451

ADA James Prosecutor, Esq.
District Attorney's Office, Bronx County
198 E. 161 Street, 10th Floor
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